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Simms v. Houser, 3:21-cv-321

YOUR Honor,

I am under extreme Duress and I am pleading for understanding on my behalf.

Finalized submissions on the preliminary injunction have been put on the Docket a month ago. Please keep in mind that this pre. inj. has been properly submitted since March 16th, 2021 and opposing counsel has chosen to not oppose this motion. This is manifest by him receiving both the complaint and the preliminary injunction* but only asking for a time extension for filing an answer to the complaint. He chose to ignore the pre- inj. and thus, by this court's rules, this motion should proceed as if counsel is not opposed to said motion.

This court ordered counsel to file an answer to the complaint and pre- inj. by June 8th, 2021. During this time, his clients have exposed my Transgender identity.

I grieved this issue and the report came back (investigated by Defendant's co-workers) that Defendant's did sexually harass me. Yet, no change has been made nor has there been any reports of retaliation against me by staff. I am constantly barraged by verbal threats, being called faggot, tranny, child molester, rapist, rat by multiple inmates. All staff have heard this and they think it's funny and that, "You deserve it." This includes PRC, Lt.s, Sgt.s, all CO's, counselors, nurses, and * simultaneously

Psychology staff.

The latest development is that inmates are having family and friends print out "my paperwork" (my criminal case) so they can spread the "proof" and have me assaulted. Staff have heard this and haven't done anything about it. I'm afraid they'll try to print out my Lawsuit and spread the very sensitive information contained therein.

I'm going to attempt to make an anomous tip on this to my psychologist so that staff can't say I told, which is exactly what they'd do if they found out.

What's more is that I'm surrounded by severely mentally ill people who urinate out their door, yell all day and night, and beat on walls (Due to the cell's design, when you pound on the wall it's like a drum and it can be heard on the entire block).

The guy next door to me is diabetic and staff regularly starve him because he assaulted a staff member. 2 other individuals are on hunger strike for being mistreated.

It is complete chaos in here. It's continually getting worse no matter who I talk to or what I say/do.

All the while, I'm being harassed daily and I cannot escape it. I keep getting ordered to

go to the same block in population where my rapists live and/or people who previously robbed me / want to kill me live-

I'm caught in a revolving door of pandamonium and Staff blame me as if it's my fault I was raped or ~~that~~ Staff retaliates against me. This is highlighted by the CCPM himself and the Security (L). (The most influential staff member within the prison) himself revealing my Trans identity and their own staff members confirm that they did it. These are Top officials in my prison and I can only imagine what the lowest staff (co's) will do to me in population. Defendants readily admit this.

Your Honor, I am having panic attacks, and my mental and physical health are declining. My body's joints are inflammed from being confined in a cell where I only have 33 Square feet to pace (about 6 steps before I have to "about face" and walk back the other way). I'm on chronic pain meds and anti-inflammatory meds but my condition is worsening. I'm now on 3 different psych meds and my mental health is in a downward spiral. The harassment from everyone and the mentally ill people around me are exacerbating the situation immeasurably.

Your Honor, I understand that a prisoner's complaint is not the highest priority, especially a prisoner that is Transgender and a sex offender.

I am respectfully asking, begging rather, that this preliminary injunction be decided as soon as you have time. I also filed a TRO and it wasn't considered. I've inquired about this and how it's typically handled. A lawyer takes a TRO to the court and within a week it's granted and held until the preliminary injunction is ruled on. This is usually a relatively quick process. For me, it's been over 4 months with no result.

Once again, I understand that prisoner's are not a top priority. I don't blame the court for that, after all, we are the worst of society. It's hard to discern this next fact by reading words on paper but I've completely changed myself for the better because I cannot stand those who choose to sell drugs or commit crimes instead of working a 9-5 because it's cool. I refuse to accept or join that mentality and it's another source of problems for me.

I'm only asking for you to be understanding of my situation and to try and imagine being locked in a box 24 hours a day for 18 months, all while people are screaming at you day and night, hearing people beg for food because they are being starved, or seeing staff mistreat inmates (including myself) day and night. Even Defendant Bycrice agrees that I'm being mistreated and my situation is dire. He even believes that I need to be transferred ~~or~~ because the people who are abusing me (top officials)

are unusual and if in population the treatment by their subordinates would be worse. In other words, the way I'm being treated is not normal (as if being mistreated by mere C.O.'s is "normal.") and it signifies an "anything goes" policy when it comes to their subordinates handling me which has proven to be dangerous, especially when no reprimands will be issued for these actions.

I appreciate your time and patience on this matter. Please help me because I cannot hold on much longer. I simply can't take it.

(Note: It's against prison rules to have another inmate's info mailed in or in possession by an inmate the paperwork doesn't belong to. It's the mailroom's job to screen this but this sort of thing regularly happens, hence why I'm making an anonymous tip to Byerlee.)

Sincerely,

Signed: Shawn Simms

Shawn Simms JPH4037

Pro-Se Litigant

Boyle

Bellefonte, PA 16823

Dated: 7-23-21

PS. On 7-22-21 at 1645 hrs, a non-regular Sgt. (a population Sgt.) collected dinner trays. When he got to my cell, he asked, "why didn't you go to population yesterday?" I only looked at him and tilted my head sideways. He chuckles and says, "I already know all about it."

This signifies that staff, even in general population, know all about my transgender identity and sensitive lawsuit information (due to defendants who are co-workers or superiors or via the D.O.C. computer). What this means is that ~~there~~ there is already a bullseye painted squarely on my back before I even get to population. It's no wonder why fresh inmates coming to the RHU are "in the know" about me. This confirms everything I've been saying all along!

It all makes sense now. That's how inmates get my criminal case information and civil case information. Staff are putting this out there for other inmates to exploit against me. This is why I didn't want my trans identity litigated on or exposed to staff (Psychology) before I left Rockview. I told ya this back in January.

Still think I'm "Gaming the system"? No relevance to a Z-code. Crazier and crazier...

